

sides furnishing them with nets, &c., and they agreed to remain in Florida, bird catching, for three months, and to sell the birds so caught by them to residents in New-York for a certain

time instead of said three months, but in the period they were there they caught 15 parrots, 60 smoke-birds, and 80 cardinals and birds, that the value of said birds in New York was \$3.

[illegible]

As to the difference of price. Mr. Bradley said the defendant had offered to sell the land for \$100,000, and the plaintiff offered to buy it for \$100,000, which, at a selling price, would enable him to make a good thing out of it.

The defendant denied that plaintiff had made him any such offer, and that he had never been in power for 60 days of January, which said Mr. Bradley said to plaintiff:

The allegations were denied on the part of plaintiff.

The court said that the plaintiff was the sheriff, as the case now appears, whether defendant should be held to bail in such sum; at any rate, he is to get it should not be over \$100. Plaintiff was not to be held to bail, but he is to be held to it.

The court advanced the \$90, to which time the decision was reversed.

MAINE COURT—APRIL 7.—Before Judge Mc CARTHY.
CLAIMS ON ATTACHMENT.
John Orono vs. Lewis Morris.

Plaintiff says that in June, 1871, John and Wm. H. Morris obtained a judgment and execution against W. B. Rollins & Co. for \$214 14 1/2. The execution was returned to plaintiff (hereby said plaintiff), leaving about \$130 in the hands of the Levett master in favor of said Rollins & Co. \$74 10, which the Sheriff attached in behalf of said balance of \$130, and the said plaintiff brought the writ of the Sheriff to

The Court held that, since the Sheriff, in his own name, has no right to bring a suit on a claim attached on him—it should be brought by the "Sheriff of the County," and even then, the sheriff is not to be brought into the case, since the Court is concerned with the attachment, not the liability of the sheriff.

Several other cases of a similar kind were decided in favor of the defendants, on this and other points raised by counsel.

RETAINING FOR WORKMEN'S WAGES.

PAULICK v. HENSLER, City of New York.

The case, L. Bondy, 1853, is a case of a contractor for constructing a new addition to Nassau's. He claims there is due to him by the County, \$14,540 on said contract. He assumes the claim to plaintiff, who brings suit.

It appears there was a prior claim in the contract, by

When work was not done, preventing satisfactory work by the Crown Water Department, by written notice, within ten days after the completion of the work, the contractor was paid, the said Crown Water Department was authorized to deduct such amount from the contract price as might be necessary to pay the cost of the work not done, or to retain the said facilities afloat should be fully discharged or secured. A number of claims, for a brick kiln and for wages, amounting to \$1,000, were made by the contractor, and a statement was furnished by the contractor, setting forth the facts ascertained by the Crown Department to the Controller. It was found the contractor has since paid the parties.

It was further recommended that the contractor be allowed to leave the premises, as stated, in the hands of the Crown Department, as was bound to do. After due notice, the said Department or Controller, should be authorized to remove the same, and the contractor still claimed by the parties in process of law—and if the contractor should settle as a claimant after the money has been deducted he should be allowed to sue for the same, and be defended by the Department, as before bringing suit. Judgment for defendant. For plaintiff, Messrs. Stevens, Swamy and Anderson. For defendant, Messrs. Jones and Tuckerman, assistant counsel (for the Corporation).

Before Judge BIRDALL.

ALLEGED INVALID LEVY.

Atropi, Frederick, vs. The City of New York, and others.

To recover the value of a wagon, alleged to be the

It appeared that in January last defendant Gamble, in company with his wife, a comely woman, went to the office of business of plaintiff and took away said wagon, (which plaintiff said it was his business, and was worth \$10) doing so under an execution issued by the sheriff, and in the presence of plaintiff and his father, and sold it under the execution.

On the part of defense, it was contended that to entitle the plaintiff to recover, he must prove that he was more than the owner of the wagon, that it was his own.

The Court heard that: proof of possession is presumptive proof of ownership, and sufficient to establish a right to the wagon, unless the plaintiff can prove the contrary. In this case, the jury is bound to find in favor of the presumption. Verdict for plaintiff in his aid and costs.

COURT OF COMMON PLAS.—SPECIAL TERM.—APRIL 7.
Refuge JURY INGRAM.

SUIT FOR DIVORCE.
Caroline M. Jones, by her next friend, at. William E. Jones, Plaintiff, by her counsel, Mr. Darlington, claims a divorce from the marriage tie. She says they were married in 1864, and that she has since been living in adultery. The suit is based on a charge of infidelity. No answer having

Before Judge WOODRUFF.
Townsend and others vs. Frederick S. Keddell and Norman
C. Townsend.
On a claim on alleged partnership special partnership, on which claim the parties were arrested, already referred to. The object of the suit is to make Mr. Carter liable, as a co-defendant, in a judgment, as to the amount of the debt, and to be estopped by the ruling by the special partnership when it stopped a check on a little over eight months after its formation. The court, in a decision, as to the suit, to vacate the order of arrest, it being contended that the special partnership had been null and regularly formed, and that the stoppage of the check was caused by the fraud of the times, &c. The case was in fact argued. Decision reserved.

Before Judge DALY.
The case in reference to the suit in contract on a sale of a horse in 1871, already referred to, was continued on Saturday and is still on.

SUPERIOR COURT—GENERAL TERM—APRIL 7.
DECISION.
The Chief Justice announced the following:
The defendant in the case of Charles Mason vs. Charles Mason and others, was allowed to present a claim, and motion is made to vacate the arrest, being an appeal from the

The Court concluded that the proceedings were defective in two points—plaintiff makes affidavit that the property for sale was not the same as that which was sold by defendant on a previous agreement, thus warranting a conclusion of law, instead of stating the facts so that the Court might determine the facts. The Court also found that the plaintiff should make sure that the property had been removed from the premises so that he could not obtain. The code says it must be shown that the defendant was not in possession of the property. It is sufficient to stipulate not to bring suit for false imprisonment.

COURT OF GENERAL SESSIONS—APRIL 7.—Before Judge

Edward Landman, a porter in the employ of Wilberding & Co. filed his wife, and John Scully and Michael Fitzgerald, jointly indicted for stealing linen to the value of \$100. The Court found that the evidence was sufficient in the case of the first named accused, who they could not agree upon a verdict. The others were acquitted and discharged.

Edw. Stoney, J. N. Kerpleicher and Joseph W. Green, all small boys, were tried and convicted of petit larceny at the store of Wm. West, No. 19 Hudson st., and sentenced to the Penitentiary for three months.

Henry W. Smith, a peddler, was indicted for buying stolen goods, was fined \$250. The Court then adjourned.

COURT CALENDAR—This Day.
CIRCUIT COURT—Nos. 2605, 1334, 329, 32, 711, 16,
8, 1735 to 1734.
U. S. DISTRICT COURT—Nos. 93 to 31.
CHANCERY COURT—Part I. (Already published.) Part
II. Nos. 47, 63, 273, 277, 32, 585, 306, 369, 441, 446, 467, 461 to
56.
SUPERIOR COURT AND SUPREME COURT—*Special*
Term—Already published.

DIED.

AUSTIN—On Friday, April 6, John W. Austin, in the 36th
year of his age.
His friends and acquaintances, and those of his family, are
respectfully invited to attend his funeral, from his late residence,
to 118 West 24th st., on *tomorrow (Tuesday)* afternoon, at 2
o'clock, without further notice. His remains will be taken
to the Greenwood cemetery for interment.
FAXON—On *Sunday morning*, April 7, Fanny, daughter of
William Faxon, aged 7 years.
The relatives and friends of the family are invited to attend
his funeral on *Monday*, at 11 o'clock, from the Goulstone
house.
FAXON—On *Sunday morning*, April 7, Walter B. Jones,

President of the same. Mutual Insurance Company, and of the Board of Directors of the same.

TRINITY Church on Monday, the 2nd of April, at 6 o'clock A. M. and at 6 o'clock P. M., on Tuesday, the 10th of April, at 6 o'clock A. M. and at 6 o'clock P. M., the funeral services will be held. The interment will take place at the same place. The friends of the family are respectfully invited to attend without further invitation. All train cars will leave Brooklyn at 11 A. M. on Tuesday, the 10th of April.

SEEDS—**WILLIAM H. C. on Wednesday**, April 6, of place, **James Reed**, of the firm of **Reed, Price & Hamilton**, of this city, aged 51 years and 4 months.

He was born in **England**, and was the head of a family, and members of the same. He was a member of the **Trinity Church**, of **London**, No. 234, 11 O. O. F., are respectfully invited to attend the funeral, from his late residence, No. 37 Madison street, New York.

SCHUMAKER—**A. Waterloo, N. Y., on Saturday** morning, April 7, after an illness of three months, **Margaret**, wife of the Rev. **John Schumaker**, of the **Trinity Church**, of **Waterloo**, and daughter of **William Seaman**, late of this city, in the 30th year of her age.

Her remains will be interred in the family vault at **Jamaica**, **Long Island**, on Tuesday morning, the 10th of April, at 11 o'clock, on Tuesday morning, the 10th inst.

The friends of both families are respectfully invited to attend the funeral, from his late residence, No. 37 Madison street, New York, at 11 o'clock, on Tuesday, March 19, **Luella Barlett**, wife of **J. C. Stover**, and daughter

RELATIONS—On Saturday, April 7, Minnie, only child of Fred, died at the residence of her parents, 2305 S. 10th St. The relative and friends are respectfully invited to attend the funeral, at the residence of Mrs. Wm. Willis, 15th St. and 10th Ave., Dallas, on Monday afternoon, at 2 o'clock.

THOMPSON—On Sunday afternoon, April 8, Charles A. Thompson, in the 28th year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, without further invitation from the residence of his father, Martin E. Thompson, No. 714 1/2 St., near Fifth Ave., on Tuesday afternoon, the 14th inst., at 4 o'clock.

Funeral services will be held at the residence of Martin E. Thompson, at his father's residence, of companion of the lungs, Mrs. Elizabeth, wife of G. L. Tinskip, of Soda, Wayne County, Ia.

VALENTINE—In Brooklyn, on Sunday morning, April 9, Henry Ward, youngest son of David and Caroline Valentine, aged 2 years and 9 months.

The relatives and friends of the family are invited to attend his funeral, from the residence of his parents, No. 14 Adams St., Brooklyn, on Monday afternoon, at 5 o'clock.